Hruska Calls Foes Of Carswell Unfair

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Sen. Roman L. Hruska (R-Neb.) yesterday charged critics of Supreme Court nominee G. Harrold Carswell with lacking "any pretense of fairness and objectivity" and defended the President's right to appoint a "mediocre" judge

Hruska called Carswell "learned" and "well qualified" and did not concede that he is as poor a lawyer and judge as Sens. Birch Bayh (D-Ind.), Yale Law School Dean Louis H. Pollak and others have contended.

But the Nebraska senator, who led off the first full day of debate on the nomination, told a broadcaster in an interview, "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance We can't have all Brandeises and Frankfurters and Cardozos and stuff like that there."

Later, on the floor, Hruska said he disagreed with Sen. Philip A. Hart (D-Mich.), a critic of Carswell, that one should "look at the quality of the man." Hruska said that was the job of the President, who had the appointive responsibility.

Hruska said opposition to Carswell was actually based on the latter's failure as a federal judge "to promote the civil rights revolution of the past decade."

Earlier yesterday Senate Minority Leader Hugh Scott (R-Pa.) said the number of senators now opposing Carswell had risen to a total "in the 30s" but he still expected confirmation. He suggested that a string of Southern amendments to last week's voting rights bill had antagonized some Northern Democrats who might otherwise have voted for Carswell.

Majority Leader Mike Mansfield (D-Mont.) said yesterday that a vote on the nomination might be possible next week, but Bayh, who is leading the opposition to Carswell, indicated late yesterday that his side might want to keep talking until after the March 26-30 Easter recess.

It is believed that the Leadership Conference on Civil Rights, which is lobbying strongly against Carswell on grounds that he is biased against Negroes and unfavorable to civil rights, wants until then at least to marshal opposition to the nominee.

Bayh, calling the nomination "an affront to the Supreme Court," cited as reasons for opposition Carswell's 1948 "white supremacy" campaign speech; 17 reversals by higher courts in civil rights cases; alleged participation in a 1956 scheme to convert a golf course from municipal to private use to exclude Negroes and reported drafting of a "whites only" charter for a nonprofit boosters group.